

UNITED STATES DISTRICT COURT

Middle DISTRICT OF Tennessee

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

ROMULO HERNANDEZ-MAYORGA

Case Number:

16-MJ-2191

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about December 5, 2016 in Rutherford County, in the Middle District of Tennessee defendant(s) did,

(Track Statutory Language of Offense)

move or travel in interstate commerce with the intent to avoid prosecution under the laws of the state of Tennessee from which he fled for a crime which is a felony under the laws of Tennessee.

in violation of Title 18 United States Code, Section(s) 1073.

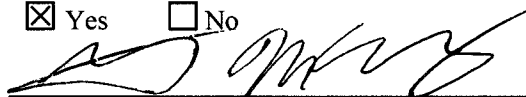
I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

Official Title

See attached Statement in Support of Criminal Complaint incorporated herein.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No



Signature of Complainant

Steven McAnany, FBI Special Agent

Printed Name of Complainant

Sworn to before me and signed in my presence,

12/30/2016

Date

at

Nashville, Tennessee

City

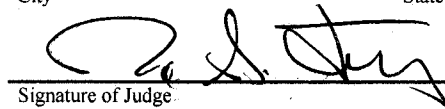
State

JEFFERY S. FRENSLEY

Name of Judge

U.S. MAGISTRATE

Title of Judge



Signature of Judge

STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT

I, Steven McAnany, being duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent of the Federal Bureau of Investigation for over three years. I am currently assigned to the Federal Bureau of Investigation ("FBI") Violent Crime and Gang Task Force ("VCGTF") in Nashville, Tennessee. I am responsible for conducting investigations that fall within the FBI's jurisdiction, including, but not limited to, the apprehension of fugitives and related matters, in violation of Title 18, United States Code, Section 1073, occurring in the Middle District of Tennessee.

2. This affidavit is submitted in support of a complaint and warrant for ROMULO HERNANDEZ-MAYORGA, DOB: 10/18/1969, for one count of flight to avoid prosecution, in violation of Title 18, United States Code, Section 1073. This statute, in relevant part, makes it an offense for a person to move or travel in interstate or foreign commerce with intent to avoid prosecution, under the laws of the place from which he flees, for a crime or an attempt to commit a crime, punishable by death or which is a felony under the laws of the place from which the fugitive flees.

3. The facts and information contained in this affidavit are based on my personal knowledge and observations, as well as upon information received from other individuals, to include other law enforcement officers, and my review of records, documents and other items obtained during this investigation. The information in this affidavit includes facts relevant to establishing probable cause for arrest, but does not include all known facts relating to the investigation.

4. On December 5, 2016, at about 6:54 p.m., it was reported to the Murfreesboro, Tennessee, Police Department ("MPD") that Francisca Gomez ("the victim") was missing. The responding MPD Officer was escorted to the victim's residence, an apartment located at 1614 Cypress Drive, Apartment 8, in Murfreesboro, Tennessee. Once inside the victim's apartment, the MPD officer discovered signs of an apparent struggle and what appeared to be blood present inside the apartment. The MPD officer noted further that the victim's vehicle, a red Nissan Rogue SUV, was missing from the parking area.

5. Based upon the initial findings by the MPD officer, MPD detectives were called and responded to the aforementioned residence. The initial findings by the MPD detectives noted that "bed coverings" were missing from a bed located within the apartment. MPD detectives also noted that there appeared to be a blood stain on the mattress.

6. During their investigation, MPD officers interviewed two witnesses (Witnesses #1 and #2) who lived at the residence. Witnesses #1 and #2 explained that the victim and a person named ROMULO HERNANDEZ-MAYORGA had lived together in the residence, and had been in a domestic relationship, but that they had broken up in March 2016. Witnesses #1 and #2 said that, after the victim and HERNANDEZ-MAYORGA had broken up, HERNANDEZ-MAYORGA retained a key to the apartment; continued to come to the apartment unannounced; and continued to enter the apartment without permission. Witnesses #1 and #2 reported further

that they were aware that the victim had filed a domestic violence report naming HERNANDEZ-MAYORGA as a suspect.

7. An MPD records check determined that, on December 2, 2016, the victim had filed a domestic violence report. In that report, the victim stated that she and HERNANDEZ-MAYORGA had broken up in February 2016, but that HERNANDEZ-MAYORGA had continued to pursue her, had followed her, and had made unsolicited calls to her. The victim related further that, on December 1, 2106, HERNANDEZ-MAYORGA had come to the home uninvited and allowed himself into the apartment under the pretext of visiting a six-year-old child that the victim and HERNANDEZ-MAYORGA had in common, and that during that visit, HERNANDEZ-MAYORGA had become enraged with the victim because she was talking on the phone with another person, demanded that the victim give her the phone, and pushed her.

8. In addition, and as the police were investigating the scene at the residence, a neighbor reported to the police that HERNANDEZ-MAYORGA had left the child he had in common with the victim with a neighbor that morning. The neighbor explained to police that HERNANDEZ-MAYORGA had left the child with the neighbor, and had told the neighbor that he needed to run some errands. The neighbor explained further that, when HERNANDEZ-MAYORGA had left the child with the neighbor, the child was upset and crying. The neighbor explained finally that the child had made a statement to the neighbor to the effect of, "Her dad was trying to put her mother in some sheets."

9. The neighbor reported further that she had repeatedly tried to call the victim during the day on December 5, 2016, but was unable to reach the victim. The neighbor reported that, at approximately 1:07 p.m. on December 5, 2016, she called HERNANDEZ-MAYORGA and asked him why the victim was not answering her phone. HERNANDEZ-MAYORGA informed the neighbor that the victim had left. HERNANDEZ-MAYORGA also instructed the neighbor to delete his calls and number from her phone because the police might be looking for him.

10. The child was taken into emergency custody by the State of Tennessee Department of Children Services ("DCS"). While in the custody of the DCS case worker, the child made comments to the effect of, "Her mother and father were arguing"; "Her mother walked to the bathroom when her father grabbed her to keep her from going to the bathroom"; "Her father hit her mother with something that sounded like a shoe"; and "Her father covered her mother's face with a blanket so she wouldn't get up and her mother was screaming and crying."

11. As part of the investigation, MPD entered the victim and the victim's vehicle into the National Crime Information Center ("NCIC") database. MPD also entered HERNANDEZ-MAYORGA into NCIC as a person of interest in connection with the disappearance of the victim. Law enforcement later learned that, on December 5, 2016, at approximately 11:38 a.m., HERNANDEZ-MAYORGA had been stopped by police on Interstate 40, near Mason, Tennessee, and was issued a citation while in the victim's vehicle. Mason, Tennessee is located approximately 200 miles to the southwest of Murfreesboro, Tennessee.

12. On December 6, 2016, MPD obtained a state arrest warrant for the arrest of HERNANDEZ-MAYORGA, for theft of the victim's vehicle, in violation of Tennessee Code Annotated § 39-14-103.

13. On December 8, 2016, MPD interviewed Witness #3. Witness #3 said that, earlier that day, at approximately 11:12 a.m., HERNANDEZ-MAYORGA had called Witness #3 from a Mexican phone number. Witness #3 explained that HERNANDEZ-MAYORGA had confessed during that conversation to killing the victim, and told Witness #3 where the victim's body could be located. Witness #3 explained further that, during the conversation, HERNANDEZ-MAYORGA said words to the effect of, "He lost control when they had a fight and kept hitting her (the victim) with something. Her (the victim) body is in a bag, but it is whole." HERNANDEZ-MAYORGA also said the body was located on a rock, or gravel road, going towards Shelbyville, Tennessee.

14. After receiving this information from Witness #3, MPD alerted the Rutherford County Sheriff's Office ("RCSO") of the information as to where the victim's body may be located. On December 8, 2016, at about 4:50 p.m., the RCSO notified MPD that a body had been located inside a trash bag on Elam Mill Road near Rucker Road, which is located in Rutherford County, Tennessee. The body was preliminarily identified by MPD investigators as the victim's body.

15. On December 9, 2016, MPD obtained a state arrest warrant for the arrest of HERNANDEZ-MAYORGA for first-degree murder, in violation of T.C.A. § 39-13-202.

16. On December 10, 2016, MPD was notified by the Greeneville, Mississippi Police Department that the victim's vehicle had been located and recovered in their jurisdiction. According to an initial investigation of the vehicle recovery, the vehicle had been recovered from HERNANDEZ-MAYORGA between December 5, 2016 and December 8, 2016.

17. In light of the foregoing, I submit that there is probable cause to believe that HERNANDEZ-MAYORGA did travel interstate to Mexico or other interstate locations, with the intent to avoid felony prosecution in Murfreesboro, Tennessee, in violation of Title 18, United States Code, Section 1073.